

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

ANNIE R.,

Plaintiff,

No. 3:19-cv-00445-CL

v.

ORDER

**COMMISSIONER SOCIAL
SECURITY ADMINISTRATION,**

Defendant.

AIKEN, District Judge.

Magistrate Judge Mark D. Clarke has filed a Findings and Recommendation (“F&R”) recommending that this case be reversed and remanded for payment of benefits. ECF No. 19. Under the Federal Magistrates Act, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge’s findings and recommendations, “the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate judge’s findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474

U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”). Although no review is required in the absence of objections, the Magistrates Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Id.* at 154. The Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court should review the recommendation for “clear error on the face of the record.”

In this case, no objections have been filed and the time for filing objections has passed. The Court finds no error and ADOPTS the Findings and Recommendation, ECF No. 19. This case is REVERSED and REMANDED for calculation and payment of benefits. Final judgment shall be entered accordingly.

It is so ORDERED and DATED this 6th day of April 2021.

/s/Ann Aiken

ANN AIKEN

United States District Judge